

To Whom it May Concern,

I would like to use this letter to express my concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative. Unfortunately, the broadcast flag will most likely remove this control that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I would like to add that I am a law-abiding consumer who believes that piracy should be prevented and prosecuted to the fullest extent of the law. However, that prevention should not come at the cost of prohibiting me from making legal, personal use of content. In the case of the broadcast flag, it seems that it will have little effect on piracy. This is because with file-sharing networks, a TV program has only to be cracked once, and it will spread rapidly across the Internet. So, while I may be forced to purchase consumer electronic devices that cost more and allow me to do less (or perhaps I will not purchase the devices at all), piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses. If they cannot, I urge you not to mandate the broadcast flag.